

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Patent Application of:	§		
Frank WEHRHEIM	§		
Conf. No.: 7305	§	Group Art Unit:	3746
	§		
Appln. No.: 10/824,877	§	Examiner:	Vikansha S. Dwivedi
	§		
Filing Date: April 15, 2004	§	Attorney Docket No.:	7535-662US
	§		(RWP 1010 US)

Title: MEDICAL TUBING PUMP

RESPONSE TO ELECTION OF SPECIES REQUIREMENT

This is in response to the Office Action dated October 1, 2007 (Paper No. 20070927) in the above-identified patent application. This response is being timely filed by November 1, 2007.

The Examiner has required an election of species between the embodiments of Figs. 2 and 3. The Examiner contends that the species are independent or distinct because [in the first embodiment of Fig. 2] the continuous gap 18 opens to hole 24 and to the outside, runs between the rear ring 16 and the protective ring 12, and the opening of gap 18 to the outside extends into the tubing insertion location 22, whereas in the second embodiment (Fig. 3) the front side of the cage 10 is completely closed and the pump wheel 6 is completely covered by the front side of cage 10. The Examiner holds that no claims are generic.

Traversal of Species Requirement

Applicant respectfully traverses the Election of Species Requirement to the extent that the Examiner holds that no claims are generic. Thus, Applicant submits that at least claim 1 is generic to the embodiment of Figs. 1 and 2, on the one hand, and the embodiment of Fig. 3, on the other hand. Claim 1 specifies “a stationary protective ring (12) surrounding the entire circumference of the pump wheel (6) at the front side of the wheel.” This same protective ring is also present in the embodiment of Fig. 3, which is


covered by claim 4. The only difference is that the embodiment of Fig. 3 additionally comprises a front plate which covers the front side of the pump wheel (6), as defined in claim 4. Since claim 4 is dependent on claim 1, claim 1 covers the embodiment of Fig. 3, as well as Figs. 1 and 2.

PROVISIONAL ELECTIONS

In the event that the Examiner maintains the species election, Applicant provisionally elects the embodiment of Fig. 2 (also shown in Fig. 1). Applicant submits that all of the claims read on the embodiment of Figs. 1 and 2, although claim 4 also reads on the embodiment of Fig. 3.

Reconsideration of the requirement and an early examination are respectfully requested.

Respectfully submitted,
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November 1, 2007 By: 
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